United Nations S/AC.43/2005/7

Security Council

Distr.: General
6 July 2005

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of Congo

Letter dated 27 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

As requested and pursuant to paragraph 20 of Security Council resolution 1596 (2005), I attach a report from Her Majesty's Government on the steps taken to implement and enforce the measures contained in paragraphs 13 and 15 of the above-mentioned resolution (see annex).

(*Signed*) Emyr **Jones Parry**

05-41350 (E) 110705

Annex to the letter dated 27 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom pursuant to paragraph 20 of Security Council resolution 1596 (2005)

Introduction

1. Please see the relevant sections below for details of how the United Kingdom has implemented the measures contained in paragraphs 13 and 15 of Security Council resolution 1596 (2005) within the United Kingdom's legal and administrative structure. The International Organisations Department of the Foreign and Commonwealth Office will ensure that details of individuals and entities designated with respect to these measures are transmitted to United Kingdom Government departments and posts overseas.

Financial asset freeze

2. The United Kingdom proposes to implement the financial sanctions ("asset freeze") in paragraph 15 of Security Council resolution 1596 (2005) by way of the Democratic Republic of the Congo (United Nations Measures) Order 2005 using powers conferred by the United Nations Act 1946. The Order is based on the specific language and intention of the resolution, which it implements into United Kingdom law. The Order came into force on 9 June 2005 as Statutory Instrument No. 1517/2005.

Travel ban

3. The United Kingdom proposes to implement the travel ban in paragraph 13 of Security Council resolution 1596 (2005) using secondary legislation under Section 8B of the Immigration Act 1971 (as inserted by Section 8 of the Immigration and Asylum Act 1999). The current secondary legislation — The Immigration (Designation of Travel Bans) (Amendment) Order 2004 came into force on 16 December 2004. The Immigration Act provides for the exclusion from the United Kingdom of persons subject to either United Nations or European Union restrictive travel measures which have been designated by Order. Under Section 8B unless one of the exceptions set out in the designating Order applies, an excluded person must either be refused leave to enter or remain in the United Kingdom, or have his existing leave cancelled.

4. Until designation by Order, since the effective date of Security Council resolution 1596 (2005), the travel ban is able to be implemented by the United Kingdom using administrative provisions contained within the Immigration Rules to ensure that named individuals are prevented from transiting or obtaining leave to enter the United Kingdom. This is done through personal exclusion by the Home Secretary or by an entry clearance officer or immigration officer using provisions in the Immigration Rules to refuse entry where it is considered conducive to the public good to do so, on grounds of the person's character, conduct or associations.

United Kingdom Overseas Territories

5. In the United Kingdom Overseas Territories, the financial sanctions are implemented by the Democratic Republic of the Congo (United Nations Sanctions) (Overseas Territories) Order 2005 which came into force on 9 June 2005 as Statutory Instrument No. 1461/2005. The travel ban is implemented administratively.

EU measures

6. In response to Security Council resolution 1596 (2005), on 13 June 2005 the European Union agreed Common Position 2005/440/CFSP to define the approach of the European Union towards the imposition of further restrictive measures against the Democratic Republic of the Congo. In relation to those measures that fall within Community competence, Council Regulation EC No. 889/2005 has been agreed and a further Council Regulation will be agreed in the near future.